

REMARKS

In response to the Office Action dated September 16, 2008, Applicants respectfully request reconsideration based on the above amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claim 14 was rejected under 35 U.S.C. § 112, second paragraph and has been amended to address the item raised by the Examiner.

Claims 1-3, 5, 6 and 9-11 were rejected under 35 U.S.C. § 102(e) as being unpatentable over Wong (7,113,479). This rejection is traversed for the following reasons.

Claim 1 recites "wherein the turbo boost triggering criteria includes a network-based trigger and an application-based trigger generated by an application provider system separate from the service provider system." Support for this feature is found in at least paragraph [0022] and Figure 1 of Applicants' specification. Wong fails to teach this feature. In Wong, the ISP 104 uses a switch 108 to control bandwidth to a user. There is no separate application-based trigger as recited in claim 1. Thus, Wong cannot anticipate claim 1.

For at least the above reasons, claim 1 is patentable over Wong. Claims 2, 3, 5, 6 and 9-11 depend from claim 1 and are patentable over Wong for at least the reasons advanced with reference to claim 1.

Claims 21-25 were rejected under 35 U.S.C. § 102(e) as being unpatentable over Brenner (2004/0215806). This rejection is traversed for the following reasons.

Claim 21 recites, "wherein the turbo boost triggering options include a network-based trigger and an application-based trigger generated by an application provider system separate from the network service provider system." Support for this feature is found in at least paragraph [0022] and Figure 1 of Applicants' specification. Brenner fails to teach this feature. In Brenner, the user submits a request for more bandwidth in response to an offer from an ISP. There is no separate application-based trigger as recited in claim 21. Thus, Brenner cannot anticipate claim 21.

For at least the above reasons, claim 21 is patentable over Brenner. Claims 22 and 23 depend from claim 21 and are patentable over Brenner for at least the reasons advanced with reference to claim 21. Claims 24 and 25 are patentable over Brenner for at least the reasons advanced with reference to claims 21-23.

Claims 4 and 14-20 were rejected under 35 U.S.C. § 103 as being unpatentable over

Wong in view of Brenner. This rejection is traversed for the following reasons.

With respect to claims 4 and 14, Brenner was relied upon for allegedly disclosing a user-triggered request for a turbo boost service, but fails to cure the deficiencies of Wong discussed above with reference to claim 1. Brenner fails to teach an application-based trigger generated by an application provider system separate from the service provider system. In Brenner, a user requests the turbo boost, not a separate application. Claims 4 and 14 depend from claim 1 and are patentable over Wong in view of Brenner for at least the reasons advanced with reference to claim 1.

Claims 15, 16, 17 and 20 recite an application-based trigger generated by an application provider system separate from the network service provider system. Neither Wong nor Brenner teaches or suggests this feature. In Wong, the ISP 104 uses a switch 108 to control bandwidth to a user. There is no separate application-based trigger as recited in claim 1. In Brenner, the user submits a request for more bandwidth in response to an offer from an ISP. There is no separate application-based trigger.

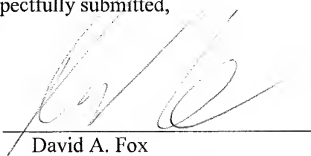
For at least the above reasons, claims 15, 16, 17 and 20 are patentable over Wong in view of Brenner. Claims 18 and 19 depend from claim 17 and are patentable over Wong in view of Brenner for at least the reasons advanced with reference to claim 17.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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Date: December 16, 2008